## SPAIN.

fanguinary Battles Between the Carlist and Republican Troops-The Royalists Routed Along the Entire Line.

MADRID, Sept. 29, 1874. Unofficial despatches have been received here stating that the fighting in the Province of Navarre between the Carlists and the republican troops under General Moriones was continued on Friday last, making four continuous days of con-

The despatenes state that on that day twentytwo battations of the insurgents attacked General Moriones' army at Bersuin, near the town of

Tafalla. A sanguinary conflict ensued, resulting in the repulse of the Carlists along the whole line. eir loss was very heavy and they were compelled

to ask the republicans for medical assistance. The French Ministers Compelled To Be

Ungallant Toward a Spanish Lady. PARIS, Sept. 29, 1874. It is reported that at a council of the Ministers it was decided to request the wife of Don Carlos to

leave the French frontier immediately. The Chief Command in the Basque Ter-

ritory. MADRID, Sept. 29, 1874.

General Pieltain has been appointed commander of the forces in the Basque provinces. A DANGEROUS DETACHMENT DISPERSED.

Cucalo's band has been totally dispersed in the province of Valencia.

Pampeluna Relieved-Carlist Threat Against a German Pressman. MADRID, Sept. 29, 1874. General Moriones has succeeded in relieving

Pampetuna. It is reported that a correspondent of the Kreuz has received warning from the Carlists that he will be arrested and snot if he crosses the

The Czar of Russia Likely to Negotiate with Serrano-English Supplies for the Carlists.

A special despatch from Berlin to the Daily News says it is reported that Russia is about to open negotiations with President Serrano.

The Morning Post is informed that several tons of cartridges for the Carlist army leave Birmingham almost every week.

## FRANCE.

A Modification of the Cabinet Expected.

LONDON, Sept. 30-5:30 A. M. the Standard says a report is current in Paris that the Duke de Broglie will soon re-enter the Ministry.

## ENGLAND.

The Election of Lord Mayor of London.

LONDON, Sept. 29, 1874. The annual election for Lord Mayor of London took place to-day. Alderman David Henry Stone was chosen.

WEATHER REPORT. The weather throughout England is fair and un-

## THE ENGLISH TURF.

Racing at Newmarket-Contest for the Great Eastern Railway Handicap.

LONDON, Sept. 29, 1874. The race for the Great Eastern Railway Handicap, a sweepstakes of 15 soys, each, 10 forfest, with 100 added by the Great Eastern Railway Company and 100 by the Jockey Club, for three-year-olds and upwards, the owner of the second horse to receive 25 soys, out of the stakes (87 subscribers) took place at Newmarket to-day, and was won by

Aurore, three years old. Puzzle, five years old, came in second and

Modena, five years old, third. The betting just before the commencement of the race was 6 to 1 against Aurore, 25 to 1 against Puz-There were nineteen starters.

# CHINA.

The Maritime Losses by the Typhoon at Hong Kong.

LONDON, Sept. 30-4 A. M. Details of the damage to shipping by the typhoon at Hong Kong have been received. In all five vessels were sunk, two stranded, seven are missing and twelve were wholly or partially dismasted

# THE INTERNATIONAL POSTAL CONGRESS.

France Hesitates to Accede to the Convention The United States To Be Consulted.

BERNE. Sept. 20, 1874. All the European governments represented in the Postal Congress except France have instructed their delegates to sign the convention upon the condition that it receives the support and ratification of the United States. France has reserved the right to hereafter examine the conditions before signing the convention.

# THE ST. DOMINGO ARMAMENT.

ST. THOMAS, Sept. 16, 1874. Generals B. Baez, ex-President, and V. R. Baez, have-as already stated in brief-arrived here from Curação, and Meme Casseres from Samana They are endeavoring to get ammunition for St. Domingo. They leave to-night for Mayaguez, Porto Rico, waiting there for an opportune mo-ment to land at St. Domingo.

# THE COTTON CROP.

September Report of the Memphis Exchange-Damage from the Drought-Laborers Abandoning the Crop-Serious Forebodings for the Future.

MEMPHIS, Sept. 29, 1874. The September report of the Memphis Cotton Exchange shows answers from flity-four correspondents in West Tennessee, fifty-one in North Mississippi, thirty-four in Arkansas, north of the Arkansas River, and ten in North Alabama, dates which average about September 20. Of these 149 responses sixty-seven answer that the weather since August 20 has been dry and warm, sixty-six generally dry, with light local showers; fourteen abundance of moisture, and two an excess of rain.

As to the effect upon the plant sixty-lour report serious shedding of fruit; twenty-three improved growth of bolls; twenty-seven second growth, too late to mature; eignty-one premature opening of bolls; seven damage to open cotton in consequence of soiling and beating ont, and, thirteen, no material change in the situation.

There has been nor is any appearance of them anticipated. Concerning the proportion of yield as compared with last season the Correspondence indicates an average depreciation of lorty-five per cent realized principally in Tennessee and Arkansas. This estimate of yield is based upon probable appearance of frost at the usual time.

The average date of commencement of picking in Tennessee was August 21; in Mississippi, August 24; in Arkansas, September 1 and in Alabama September 5. Answers to interrogatory seven, which is of a general character, indicate that in the main crops are entirely open on the uplands and with good weather with be harvested by october 30 to November 16; that, as a general thing, on the uplands, boils are small, the staple short and light and the seed comparatively worthless. Having resulted advances to the extent of their interest laborers have abandoned the crop in many instances, and as, in addition to prices of cotton being low, very little grain or meat has been raised, there is much foreboding as to the inture, Very few planters have raised enough lorage for the wintering of stock and many are now sowing wheat and tree.

## HURRICANE AT CHARLESTON.

The Entire River Front of the City Inundated-The Battery in Ruins-Fences and Buildings Destroyed-Damage to Shipping. CHABLESTON, S. C., Sept. 29, 1874.

The most fearful gale in this city since 1854 oc curred vesterday, beginning about daylight, with a strong southeast wind, and increasing in violence until mine o'clock, when it had become a hurricane. For a full hour the gale was the most severe ever known here. The tide was forced up to an unprecedented height, inundating the entire river front of the city, damaging the wharves, and in some instances sweeping away the pierheads. famous promenage resort, was laid in ruins, and the public bathing house was demolished.

THE SHIPPING generally escaped any serious damage. Some small craft were wrecked, but large vessels were only chafed.

Throughout the city the effect of the gale is everywhere visible. Pences and outbuildings were destroyed, branches were torn from trees, and during the height of the storm the air was filled with states and tin stripped from the roofs, making the streets impassable. The massive brick walls of the new theatre, which had just been completed, with the exception of putting on the roof, and which from its position in the burnt dis-trict, was exposed to the full force of the gale, were leveled with the street.

About noon the wind shifted to the west, moderating the violence of the sea. Two houses are reported as being swept away on Sullivan's Island, and one life lost. The inmates of the bathing house were rescued with great difficulty. It is probable that \$250,000 will not repair the damages caused by the gale.

# THE STORM AT WILMINGTON.

Rising of the River-The Rice Lands Overflowed-Damage to the Crop. WILMINGTON, N. C., Sept. 29, 1874.

One of the heaviest storms ever experienced here prevailed nearly all day yesterday. in every direction until this morning. The rice lands were overflowed and much damage was done to the crop already cut. The storm measurably abated before midnight. No serious damage has as yet been reported to the shipping. river is very high. The telegraph lines were down

## PORTLAND STEAMER OVERDIE

Fears Entertained for Her Safety-Witnesses of the International Boat Race and Morris, the Oarsman, on Board. BOSTON, Sept. 29, 1874.

Considerable anxiety is felt for the saiety of the passenger steamer from St. John for this city. She left the former place at eight o'clock yesterday morning, and touched at and left Eastport vester. day morning, and was due in Portland this morning and in Boston this afternoon; but nothing has been heard of her since she left Eastport. If on her course she must have ENCOUNTERED THE HEAVY STORM

which is raging all along the coast, and it is reasonable that fears of a disaster should be entertained. She had on board an unusually large number of passengers, including many Pittsburgers, New Yorkers and Bostonians, who were return ing from the international boat race, the oarsman Morris being himself a passenger. Friends in this city of those on board, who are anxiously awaiting tidings of the missing steamer, are learful that she may have been wrecked and lost.

## THE WEATHER YESTERDAY.

The following record will show the changes in the temperature for the past twenty-four hours. in comparison with the corresponding day of last year, as indicated by the thermometer at Hudnut's

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ij	last year					73%
						183937

THE POTTER RAILROAD LAW. Order of the Court Including Other Roads in the Recent Injunction.

CHICAGO, III., Sept. 29, 1874. A Madison special despatch says the Supreme Court this morning granted a motion to include the Milwaukee and Prarie du Chien division of the Milwaukee and St. Paul Railroad in the recent in-junction issued by the Court to compel that road to comply with the provisions of the Potter law.

# THE NEVADA DEMOCRATS.

Nomination of State Officers and Congressman-The Platform Adopted. SAN FRANCISCO, Cal., Sept. 29, 1874.

The Nevada Democratic State Convention last night nominated L. R. Bradley for Governor. Jewett Adams was nominated for Lieutenant Governor and A. C. Ellis of Ormsby county for Con-

The Convention then adjourned until to-day when a platform was adopted, opposing massed when a platform was adopted, opposing massed capital, subsidies and a third term, condemning the back salary grab, opposing Chinese emigration, favoring laws for the regulation of fares and reights on railroads, indorsing the eight hour law, arraigning the administration for abuse of power, detending the repeal of the bullion taxes and condemning the acts of violence recently perpetrated in the South.

#### LIBERAL REPUBLICAN CONVENTION. The Adjourned Meeting at Albany-No Nominations Made.

ALBANY, Sept. 29, 1874. At a meeting of the State liberals, held at Tweddle Hall at noon here to-day, Hon, Charles Hughes, of Washington county, presided. The Chairman briefly and very forcibly addressed the assemblage, pointing out the dual importance assemblage, pointing out the dual importance which existed in the result of their decision as, independently of the general desire to purify the representative chambers of the State and nation, the great question, looming in the distance, of the third term for the Presidency, would, in a great measure, be influenced by the course of the Empire State.
General Jones moved a resolution which it was

hoped would embrace the views of the larg number, if not all. The following is the text:—

Resolved, That this Convention deem it unwise to make nominations for state officers; that adhering to the integrity of the liberal republican organization and the principles which it represents, we recommend to the liberal republicans and other independent electors of the state that they support for office men only of approved honesty and who most fluly represent the principles enunciated at the organization of the party at Cincinnati and subsequently reaffirmed at State conventions, and who also stand committed by the action of the Convention which placed them in nomination against the third Presidential term and the centralization of power at the seat of the tederal government.

sat of the iederal government.

It was seconded by General Cochrane in an able and argumentative speech, in which he pointed out the duty of the liberals at the present crists. There were men in the party who, he said, felt that in the recent constitutional proceedings they had a right to be consulted, while others considered that the adoption of Dorshelmer had been a recognition which was significant. The point to be looked to was to support principles, not men, and in the framing of the resolution just read they had placed in words the assertion of that idea in a manner which he thought entitled it to the support of all there. port of all there.

The resolution was adopted unanimously, after which the Convention adjourned sine die.

# THE BROOKLYN REFORMERS.

Comptroller Schroeder Renominated by

The Committee of One Hundred of the Brooklyn Reformers met last night and passed a series of resolutions, renominating Comptroller Frederick sets forth his efficient services and commends him for increasing the value of city bonds during his administration, and concludes with the following:—

# WASHINGTON.

WASHINGTON, Sept. 29, 1874. Civil Rights at the National Capital-Suit Against a Restaurant Proprietor. In the Police Court, before Judge Snell to-day, a hearing was had in the case of Harvey & Holden who were charged with refusing on the 23d of

September, to accommodate in their restaurant certain well-behaved and respectable personsnamely, Charles B. Purvis and James M. Langston-although requested then and there by said persons to accommodate them with a lunch. The complainants are slightly colored. The testimony showed they were informed by persons connected with the restaurant that they could not be served at the particular table where they had taken seats, as the seats were pre-engaged by regular customers. One of the complainants remarked, If they could not be served there they would not be served at all, and, declining to take other seats, they left the restaurant. The Judge said the refusal to serve these men appeared to be absolute and imposed on the defendants a fine of \$100 They took an appeal to a higher court. The prosecution was under a legislative act, passed in 1872, making it a misdemeanor for keepers of restaurants, hotels, ice cream and soda saloons, barber shops, bath houses, &c., to refuse, on any pretext, to serve any well-behaved person, without regard to race, color or previous condition of servitude

The Duties on Worsted and Woollen Goods-Statement from the Customs Bureau of the Treasury Department.

The following statement has been obtained from the oustoms Bureau of the Treasury Department. The law now on woollen and worsted goods is precisely the same as it has been since March 2, 1887, and is enforced in the same manner. The distinctions that are important to merchants are those relating to the designated classes of such manufactures and those that are not designated. The designated manufactures are described as "women's and children's dress goods and real or imitation Italian cloths which pay a square yard duty and an ad valorem outy combined. But if over four ounces in weight these same goods pay fifty cents per pound and thirty-five per cent ad valorem." The other class is simply described as "all other manufactures composed wholly or in part of worsted, the hair of the alpaca goat and other like animals, except such as are composed of wool." On the last named of which the duty is fifty cents per pound and forty per cent ad valorem, whereas on the worsted it ranges from twenty cents per pound to eighty cents per pound with a corresponding ad valorem, the average, however, being almost exactly the same as if they were wool in distinction from worsted. The result is a somewhat lighter duty on "women's and children's dress goods and real or imitation Italian civils." and consequently an effort to bring other goods of the class known as serges and linings within that limit; but the as serges and linings within that limit; but the distinction heretofore made and now required by law is not to include in this designation of women's and children's dress goods and real or imitation Itahian cloths anything which is not specifically so described, the difference of duty being aiter all not great. Serges, hinings and all goods of this class and for similar uses are dutiable under the provision above cited in relation to worsteds which are not women's and children's dress goods or real or imitation Italian cloths.

The claims above referred to are as follows:—

First Class.—On women's and culdren's dress goods and real or initiation Italian cloths, il costing not over 20 cents per square yard, the duty is 6 cents per square yard and 35 per cent ad valorem; if costing over 20 cents per square yard the duty is 8 cents per square yard and 40 per cent ad valorem.

Second Class.—On worsteds not as above, if costing not over 40 cents per pound; and 35 per cent ad valorem; if costing over 40 cents and not more than 60 cents per pound. It duty is 30 cents per pound and 35 per cent ad valorem; if costing over 40 cents and per pound and 35 per cent ad valorem; if costing more than 60 cents per pound and 35 per cent ad valorem; if costing over 50 cents per pound, the duty is 40 cents per pound and 35 per cent ad valorem.

Third Class.—On woollens, not worsted and not dress goods, the duty is 50 cents per pound and 35 per cent ad valorem. The claims above referred to are as follows:-

## THE FITCH-SHERMAN WEDDING.

Washington Society Agog-Arrival of Archbishop Purcell and His Clergymen-Arrangement of Ceremonies-The Most Magnificent Catholic Wedding of Our Day.

WASHINGTON, Sept. 29, 1874. Washington's social world is all agog with excitement over the Fitch-Sherman wedding to be celebrated at the Church of St. Aloysius, in this city, on Thursday, October 1. The ceremony will be performed by Archbishop Purcell, who, with his secretary and his other clergymen, arrived here this morning, and are, as the guests of General and Mrs. Sherman, occupying a fine suit of rooms at the Arlington. The Archbishop will be assisted in the ceremony by Father Maguire, S. J., pastor of St. Aloysins: Father Healey, S. J.: Pather Mooney, of New York, and Fathers Boyle, Quatman

There will be a throne on the left side the Sanctuary for Bishop Wood and one on the right for Archbishop Bayley, the primate in this country. The other priests numbering about forty, will be reserved seats near the sanctuary. Tiffany and wife, the Methodist divine who performed the marriage ceremony uniting Mr. Sartoris with the President's daughter, and Rev. Dr. Pitzer, a Lutheran clergyman, will occupy seats in the front pews.

THE BRIDESMAIDS AND GROOMSMEN will be on prie dieux arranged on either side the altar, while the bride and groom will occupy those placed at the foot of the altar. There will be a nuptial mass and the marriage ceremony pertormed before mass.

The best musical talent here and elsewhere will leng sublimity to the occasion. There is GREAT DEMAND FOR CARDS

for the church, to which none can be admitted without the bit of cardboard on which are the

The presence of two Archbishops, one Bishop and fifty of the clergy; of the President and Capinet; representatives of all foreign Powers, glittering in their court dress; Army and Navy officers, brilliant in their uniforms, with judges and statesmen, politicians, legislators, members, Governors and distinguished people from the social, literary and art world will combine to make it the greatest and most magnificent Catholic wedding that has taken place in our day, in either this country or Europe, excepting, of course, that of Eugénie in Paris, in 1852.

# SERIOUS RAILROAD ACCIDENT

Collision on the Utica and Chenango Valley Road-Another Mail Agent BINGHAMTON, N. Y., Sept. 29, 1874. The accident on the Utica and Chenango Valley

Railroad to-day occurred one and a naif miles north of Oxford at ten minutes after eleven o'clock. The gravel train was standing on the main track, in a deep cut, loading from the bank. The conductor's watch stopped at ten minutes out, and the passenger train was running on at full speed. e engines struck and smashed together. tender of the passenger engine tele-

The engines struck and smashed together. The tender of the passenger engine telescoping in the mail and express car, caught E. Childs, the mail agent. Charles Lewis, engineer of the passenger train, crawled out with its shoulder broken and some severe cuts and bruises. A fireman and Orange Emmens, of Norwich, fell against the front of the builer and were covered with coal. They were dug out by railroad hands and passengers. The fireman was not much hurt, but Emmons is thought to be fatally injured. The mail car was burned, nearly consuming Mr. Childs' body. No mail matter was saved. Mrs. William Faulkner, of Fish Creek, an elderly lady in the palace car, is thought to be maily injured. The passenger cars were filled with persons going to Oxford Fair. A great many were bruised, but lew seriously.

#### Additional Details of the Accident-Cause of the Collision. UTICA, N. Y., Sept. 29, 1874.

Among the killed by the railroad accident near Oxford was James Hickey, of Norwich, a boy who

was stealing a ride to Oxford fair. The mail and express cars, with the greater part of their contents, and the bargage and smoking cars were de-stroyed by fire. The collision was caused by the stoppage of the watch of engineer Smith, of the gravel train, who was also conductor and boss of the working gang. The passenger frain was the one which left here at half-past eight A. M. The wreck will be pleared to-night.

# LOUISIANA'S BILEMMA.

The Opinion of Mr. Charles O'Conor.

Considering the Executive Error in 1872.

# THE LAW.

The President Can Remedy His Mistake.

NEW YORK, Sept. 26, 1874.

TO THE EDITOR OF THE HERALD :-The impressive unanimity of sentiment which prevails on the question of Kellogg's claim to the office of Governor, as that claim stood originally and prior to any action by the President, render it quite needless to express any opinion on that subject. Leaving out of view, for the moment, President Grant's acts, the judgment of the press and of nearly all deservedly influential persons, in or out of office, seems to be that Kellogg was not duly elected.

Assuming this judgment to be correct, the main if not the only practical point for consideration, at

this time, is as follows :-Was the original error of the President in recognizing Kellogg as Governor a conclusive judgment, which, subject only to a review by Congress, was absolutely binding upon all persons, including the President himself, and also irrevocable by him even, though he should have subsequently dis-

covered his mistake? It cannot be confidently affirmed that this point had ever been thus distinctly and sharply presented to the mind of that eminently learned and experienced inrist and statesman, Reverdy Johnson, before he prepared the opinion with which, in your columns, you have favored the public. If any difference shall be observed between his views and mine I am persuaded they are such as a joint conference and consultation would have obviated.

On an exigency of this kind the whole authority

of the federal government, in any of its departments, or in all of them combined, is derived from the constitutional power and duty "to protect of the States against invasion and, on application of the Legislature or of the Executive (when the Legislature cannot be convened), against domestic violence." It will be seen that while the duty to protect from invasion ab extra is absolute and unconditional, neither the power nor the duty to protect a State government from "domestic violence" is conferred or arises except when such government, by its legislative body or its Executive, solicits federal aid. And it should further be observed that it is only when the legislative body is not in session and cannot be convened that the State Executive is authorized to invoke intervention. The strictness and precision of the fundamental law in these particulars is very instructive. It was only in cases of imperious necessity, and then under the most cautious limitations, that the fathers consented to allow federal interference with State elections. However flagrant the disorders and violations of law and justice, in the canvass or otherwise, by which a duly and fairly elected State officer might be set aside and an usurper permitted to occupy his seat, it was deemed most expedient to leave the remedial process in the hands of the State itself. In such a case, if the State Legislature chooses to acquiesce, the federal authority cannot interfere while it is in session or can be convened, nor would such interference be lawful, even in the recess of the Legislature, if the lawfully elected Executive, through corruption, pusillanimity or otherwise, declined to solicit aid in support of his pretensions. It scarcely re quires a reference to the sound and clearly illustrative opinion in Luther v. Borden, 7 Howard's U. S. which is legitimate of two existing de facto State governments, is not judicial but political. When one of these appeals to the federal government for protection against the "domestic violence" of the other, Congress, or in its default the President, must of course determine the question, and the State government recognized by this determination must be protected accordingly against its rival by the federal Executive. Be it in reason, justice and truth ever so erroneous, such a decision must, nevertheless, be regarded valid so long as it remains in force. And it is binding on all persons and in all courts and places. Against the

no remedy but revolution and with revolutions juridical science has little or no concern. All this I think must be conceded by every sound lawyer, and from these premises some persons who believe that Kellogg was not duly elected still maintain that the President's original error in recognizing him is of such potency, in law or policy, that the President is bound to persist in it and to reinstate Kellogg by the military forces of the Union as often as he may be displaced. In my opinion the premises do not warrant the conclu-

moral or political wrong, if there be one, there is

sion thus drawn from them.

A decision by competent official authority binds, it is true, without reference to the question of its justice or propriety; but this rule obtains only so long as the decision remains in force; and the cases are rare indeed, if there be any, in which a decision, by any tribunal or official authority, is absolutely irreversible. Courts of the highest authority, or, as it is sometimes expressed, courts in the last resort, occasionally recall their own hold for naught their own judgments and previous solemn adjudications. This was lately done by the Supreme Court of the United States in the familiar controversy concerning the constitutionality of the legal tender acts. It is true that a court of last resort will generally refuse to reconsider a question which it has once directly adjudicated. But no proposition is better established than that it is the duty of every such court to recall any decision of its own which it has become convinced was erroneous.

In this Louisiana case the paramount authority was Congress. A recognition of the Kellogg government by that body would have bound the President and all others until Congress should itself have again acted on the subject and revoked its former conclusion. Congress not having acted in this case President Grant's recognition bad a similar effect and bound all parties; but as Con gress might have revoked its determination so might President Grant have reconsidered his opinion, and when called upon a second time by Kellogg he might have refused aid. And unless, when such second application was made, General Grant still labored under his original and erroneous opinion that Kellogg was duly elected he ought to have so refused. Kellogg, to be sure, was ousted by force from a State office, into which he had been inducted by the President. in the exercise of a constitutional power; and the employment of that force was a breach of peace, But it was the peace of the good people of Louisiana that was broken. No law of the Union was infringed or contemned. The extreme violence which accompanied Penn's revolutionary movement may have been an evil example. One of the most ancient and valuable laws which the wisdom of their English ancestors transmitted to the American colonists is that which forbids the lawful owner of lands to oust "with a strong hand a multitude of people" the trespasser who, by long possession or otherwise, has clothed himself with a color of right. This was prethe condition of the usurper Kellogg; and it would be impossible to maintain in any judicial tribunal having cognizance in the case that their act was not an offence. But, as before stated, their offence was against the laws of Louisgana only. The President had no right or authomay to interfere on that ground. He is not the Republic's general custos morum; nor is he authorized to correct by armed force all violations of good mappers occurring within a particular

It is quite certain that if, from any cause, Kellogg

had been prevented from applying for aid the President would have possessed no legal warrant to justify his interference. Had he gafantly confronted his opponents and fallen in the vindication of his cause the President might in fixe manner have been left without authority. This should suffice to refute the idea that there is devoived by the constitution on the iederal government a duty to intervene for the suppression of evil ex-

After the ouster of Kellogg by Penn the applica-

amples in contempt of State laws.

tion of the former to the President presented merely a renewal of the same precise question which arose upon the first dispute-i, c., was Kellogg the duly elected Governor of Louisiana? If he was duly elected it was the President's duty to reinstate him; otherwise not. If General Grant still labored, under his original delusion on the subject his interference was consistent with conscience, and, so far, morally just. But this would not prove that he was officially justifiable. A President cannot wage war against a lawfully elected State government and secure an exemption from censure by simply pleading as a bar to inquiry that his intentions were pure. Offcial duty involves a responsibility for the correctness of all the officer's acts. The censure, if any, due to official interposition against the right, in such a case as the present, may depend on a great variety of circumstances. The degree of attention given by the officer to the inquiry to hand, his apparent motives, and any difficulty or doubt attending the question invoived, might serve to inculpate him, extenuate his fault, or wholly to excuse it. The view taken by the President on Kellogg's first application could furnish no reason for a similar course on the second. However his original decision might control others, it was in no degree obligatory upon himself. Individual consistency, in official opinion or action, is not to be maintained at the excense rectitude and justice. The pride of an executive chief might stimulate him to desire such a power. The servility which would accord it was prevalent in degenerate Rome when that so called Republic was tottering to its fall under the despotism of the Casars. We must hope that it has not yet become general here. Those who condemn the President's original interference in Kellogg's favor have even more reason for condemning his recent interposition. It is, at least, equally censurable. Having had more time and opportunity to ascertain facts and to consider the question his last act must be regarded as, if possible less excusable than the first

The desire that Kellogg may resign and submit to a fair election is amiable; but surely no one can seriously entertain a hope to that effect. seems, indeed, some reason to pect that so many other State officials may resign as to reduce the personnel of the Kellogg government to one solitary person-i. e., the Governor himself: and it has been suggested that in such an event the President would have no power to supply the necessary corps of officials. He would, indeed, have no right to supply them; but, in fact and without right, they could be supplied by Kellogg. The President would then possess the same constitutional power to recognize by his mere sic rolo and thus practically to validate that made-up government which he has already twice exercised to enthrone the usurper. The only hope I can perceive for Louisiana is that the popular will of the country, speaking through its efficient organ, the independent press, may prevall upon the President to reconsider his course. Removing the impression that he is without power to correct his own mistakes is the first essential step to that desirable end.

I am, dear sir, with great respect, your obedient servant. CH. O'CONOR.

## THE COMPROMISE.

NEW ORLEANS, Sept. 29, 1874. The following agreement was made and signed at two o'clock this alternoon :-

The undersigned announce the following as the result of the conference between the committees of the two political parties of the State of First—the committee representing the conserv-Pirst—The committee representing the conservative people's party pledge themselves to cause all violence and intimidation. If any exists, to cease throughout the State and to assist the constituted authorities in maintaining peace and insuring a strictly fair and impartial registration and election; also to discountenance acts and threats of personal violence and all improper influences to control the will of the electors and render assistance and use every effort to subject to the penalties of the law all persons who may commit acts of violence or intimidation or conspire to do the same in order to guarantee a fair registration and election.

Second—There is hereby constituted and estab-lished an advisory committee, composed of five election.

Second—There is hereby constituted and established an advisory committee, composed of five members, namely:—Messrs. Allert Voorhies and E. A. Burke, selected by the representatives of the conservative people's party, and Messrs. S. B. Packard and B. F. Jounert, selected by the representatives of the republican party, and of an umpire, namely, Dr. M. F. Bonzano, who has been jointly selected. This advisory committee is to supervise and carry on the registration throughout the state on behalf of all parties to the full extent of suggesting conducting and carrying on the registration, Governor Kellogg, in the interest of a fair and impartial registration, of his own accord, piedging himself to act upon the advice and suggestions of the advisory committee, so long as such advice and suggestions are in consonance with and permitted by the existing laws of the State.

State.

Therd-It is agreed that two persons shall be named by the representatives of the conservative people's party, who shall be elected according to law to fill two vacancies which shall be created by resignation in the Returning Board within twenty

for the Conservative Committee of Confer or the Conservative Committee of Conference.
A. A. ATOCHA,
for the Republican Committee of Conference.

# PEACE IN THE PARISHES.

It is now stated that compromises will be made in every parish in the State by the conservatives, similar to that recently effected in Terre Bonne parish, by dividing the offices equally between the colored republicans and white conservatives.

# AID TO NEW ORLEANS.

NEW ORLEANS, Sept. 29, 1874. Mayor Wiltz, in a message to the City Council to-day, says that proposals have been made to him by responsible parties to loan the city \$1,000,000 or more on easy terms. It is reported that the \$1,000,000 tendered the

### Archbishop Perche, who made the offer, says it is the money of French capitainsts. THE FAMILIES OF THE KILLED.

city belongs to the Catholic Church of France,

NEW ORLEANS, Sept. 29, 1874. Six thousand persons attended a concert and festival given to-night for the benefit of families of

## citizens killed in the late conflicts. GENERAL EMORY AND THE IN-SURGENTS.

NEW ORLEANS, Sept. 29, 1874.

To the Editor of the Herald :some of the Northern papers, that General Emory made terms, or proposed terms, to the insurgents in New Orleans is without foundation, and I beg you will correct it. He demanded compliance with the terms of the proclamation, nothing more, nothing less, and that compliance was accorded, deneral Emory had nothing to do with the negotiation which he learned when he arrived here was going on between the State government and the insurgents. You can rely implicitly on the correctness of this statement. E. M. HAYES, Captain Fifth cavatry, Aid-de-Camp.

# STATEMENT OF GENERAL BUTLER.

Boston, Mass., Sept. 29, 1874. General Rutler, in reply to an interviewing reporter, thus explains his note to Governor Ket-

logg, recently made public:-About the time of the opening of Congress in 1872, the party representing McEnery in Louisiana field a petition for a writ of prohibition in the Suprame Court of the United States to have Kellogg prohibited from taking possession of the government. Court of the United States to take kenegy pro-hibited from taking possession of the government, and to prohibit, as I remember it, Judge Durell from taking any further steps in the matter in his Court. I was secured to appost before the Supreme fount as counsel and to, arone arappit such a

writ of pronibition. I advised the gentlemen applying to me that the writ would not issue, and that no case could be made; that, as the matter lay, it was a question of law merely. I told them I would take a retainer from Kellogg, who wrote me, as his personal iriend, because I had known him, asking me on personal grounds to do go. I also recommended that Mr. Caleb Cushing be employed to assist and to take the leading part in the controversy. I was employed with Mr. Cushing and with the gentlemen from Louisiana who represented Mr. Kellogg. The case was prepared and argued, and was decided by the Court as I predicted. That, mind you, was before I knew there was anything going to get into Congress, about it. But when the affair came into Congress, being convinced that there had been no proper examination of the returns and no legal count of the canvass or votes. I made a speech is which I advised that both elections should be set aside. the canvass or votes. I made a speech is which advised that both elections should be set aside.

General Butler further stated, "When I looked over my docket, after Congress had adjourned, I wrote a note to Mr. Kellogg asking for my fees and putting a value upon my services which I thought they deserved. He wrote a note in reply. saying that it was all a personal matter of his own; that the expenses had been very heavy, and asking me if I would consider him in the matter. and inclosing me a check for \$1,000, and that is rais

## LETTER FROM MR. CHANDLER.

BOSTON, Sept. 29, 1874 Mr. Chandier, of New Hampshire, has written the following letter concerning the General Butler and Caleb Cushing correspondence found upon the premises of Governor Kellogg, in Louisiana, a lew

days ago:

Concord, N. H., Sept. 29, 1874.

The telegrams of yesterday from New Orleans based upon the robberies by the Louisia: a revolutionists of Governor Kellogg's private papers do not misrepresent me that I am aware of, but they are intended to do mjustice to other gentlemen.

Ex-Governor Warmoth applied to the supreme Court of the United States in Washington for a writ of prohibition against ladge Durell to stay proceedings in Governor Kellogg's suit against Warmoth. This application, if granted, would have brought the whole Louisiana case before the Supreme Court for full and final adjudication. Senator carpenter, General Cushing and General Butler were therefore retained as counsel for Governor Kellogg, and the first two argued the case before the Supreme Court for full and final adjudication. Senator carpenter, General Cushing and General Butler were therefore retained as counsel for Governor Kellogg, and the first two argued the case before the Supreme Court, which refused the writ. So far from Senator Carpenter or General Butler being by this employment as counsel influenced as members of Cougress in the political context, both of them afterwards became persistent and conspicuous opponents of the policy of the Fresident with reference to the Kellogg administration and the advocaces of an immediate new election. General Butler was also always understood to be in favor of Judge Durell's impeachment. The suggestion that Attorney General Williams was interested and retained in the Reilogg interest is knowingly false. His only connection with the desilon was official and disinterested.

The charge against him is characteristic of the men who in 1888 by bloodshed prevented any

and disinterested.

The charge against him is enswateristic of the men who in 1868 by bloodshed prevented any votes against Seymour and Blair, attempted the same policy of infilmidation and marder in 1872, and now being defeated in bloody revolution by the power of the Union spitefully revenge themselves by publishing private letters, stolen from Governor Kellogg during their brief usurpation.

WILLIAM E. CHANDLER.

## THE INDIAN WAR.

Private Letter from Captain Lyman Describing His Fight with the Comanches.

BOSTON, Mass., Sept. 29, 1874. The Advertiser will print to-morrow the following extract from a private letter, written by Captain Lyman, of the Fifth United States in lantry, who commanded the escort that accompanied the supply train sent to relieve General Miles in his late expedition to Texas. The letter is dated September 14, Camp on the Wachita River, Texas:— September 14, Camp on the Wachita River, Texas:—
I had a staving fight for three days, from the 9th to
he 12th, with 400 Comanches. We made ritle pits and
drove them away at last. If I had only had the Rice trowel
bayonet we would have besten them off sooner. During
the fight thirteen men belonging to the escort and train
were killed and wounded. Lieutenant Lewis, of the
Firth intantry was badly wounded by a shot through the
kneepan. Twenty-seven Indians were killed. The expedition was without water for forty-eight hours.

Petition of the Modecs in Indian Territory-The Presence of Their Brothers in Oregon Desired. NORFOLK, Va., Sept. 29, 1874.

Commissioner Smith to-day received a telegram from the Secretary of the Board of Indian Commissioners saying that the Modocs of the Indian Territory petition for the removal of the remainder of their band from Oregon to the Indian Territory. It will require an appropriation by Congress be-fore the removal can be made.

DEAR MR. WEBER—
The fame which the WEBER PIANO has amongst European artists led me to expect much, but your instruments surpass the: expectation. Such a pure sympathetic musical quality of tone, so much in accord with the voice, I did not hope for. Your cases are most clearly and the touch pleasant and agreeable. I am not paying you too high a compliment when I rank you as the foremost manniacturer of the day.

ILMA DE MURSKA. Naw York, Nov. 15, 1873.

A .- A .- Knox's Fall Fashion of Gentletlemen's HATS has hit the taste of the town most emphatically, and the demand for it at his stores, No. 212 Broadway and in the Fifth Avenue Hotel, is gratifyingly large. It is unquestionably the hat of the season

A .- For an Elegant, Fashionable Hat of superior quality go direct to the manufacturer, ESPENSCHEID, US Nassau street.

A .- Rapture and Physical Deformities successfully treated by Dr. MARSH, at No. 2 Vescp street, opposite St. Paul's church. A.—Herald Branch Office. Brooklym rner Fulton assence and Boerum street. Open from 5 A. M. to 9 F. M. On Sunday from 3 to 9 F. M.

A .- Silk Elastic Stockings, Belts, Knee Caps, Abdominal Supporters, Suspensory Bandages, Shoulder Braces and Crutches, at MARSH'S Truss Office, No. 2 Vessey street. Lady in attendance.

PANACEA" is invaluable. Immediate relief follows its use in all cases of pain in the stomach, bowels or side; rheumatism, colle, colds, sorains and bruises. For internal and external use. A .- Furniture Bargains. See Kelty &

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A.—Since the Elastic Truss, 683 Broadway, so easily, effectively and permanently cures the worst Ruptures, most metallic truss dealers have vamosed, boiled, cut, run, exhaled or "stepped down and out."

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All Lenky Roofs carefully repaired, estimates cheerfully given. The Roofs painted and made waverucht, or no charge, send for book circular containing home testimentals of GINES GENUINS PAIENT SLATE ROOFING PAINT, 50 cents a gallon ready for use, contains no tar, is freproof, waterproof, durable, ornamental and with save expense of reshingling. Correspondence invited. Local agents wanted, NEW YORK SLATE ENOFING COMPANY, No. 6 Cedar street, New York.

Bargains in the Latest Novetties of Partor, Chamber, Dining Room and Library FURMI-TURE, at HERIS & CO.'s, Nos. 896 and 808- Broadway, onposite Eleventh street.

Celebrated Patent Wire Signs and Po-litical Banners; original designers and makers, HOJER & CO., Painters, 97 Duane street. Genuine Vichy Water.

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To avoid conferfeits and imitations, require that the appule bears the name of one of the above named, brings, as well as the year of the botting. For sale by all leading retail greets and druggists, and the trade only by BOUCHE FILS & CO., W Boaver, street, Sole Agents for the United States

Roofing.—Asphalte Roofing Felt Can be applied over leaky in, shingle and graveleroofs. Call and examine or send for samples and circulars to 2. H. MARTIN. 70 Maiden lane and No. 9 Liberty, street.

To Mothers .- Mrs. Winslove's Soothing STRUP for children is an old and well tried remedy, has stood the test of many, many years and new known to tal. If not only relieves the child from pa but invigorates the stomach and bowels, cases we cold, and gives rest and health to the child stak comit to the mother.

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